

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASSET CO IM REST, LLC *et al.*,

Plaintiffs,

-V-

GERALD "JERRY" KATZOFF *et al.*,

Defendants.

23 Civ. 9691 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On January 16, 2024, this Court issued an Opinion and Order granting in part and denying in part the motion of Plaintiffs Asset Co IM Rest, LLC, Il Mulino Joint Ventures, LLC, and Receivables IM Rest, LLC for a preliminary injunction, pursuant to Federal Rule of Civil Procedure 65, to restrain Defendants Gerald “Jerry” Katzoff, IMNY GS, LLC, West 3rd Holdings, LLC d/b/a Il Giglio Tribeca, West 3rd Products, LLC, IM LLC-I, and GFB Restaurant Corp. from using certain trade dress of the restaurant Il Mulino Tribeca that was previously located at 361 Greenwich Street in Manhattan. Dkt. 72 (“the Opinion”). For the reasons set forth in the Opinion, the Court orders as follows:

1. Defendants, together with any of Defendants' officers, agents, servants, employees, attorneys, parent companies, subsidiaries, and/or any other persons who are in active concert or participation with any one of Defendants or any of Defendants' officers, agents, servants, employees, attorneys, parent companies, or subsidiaries, are enjoined and restrained from displaying, depicting, and/or using at or in connection with Defendants' restaurant known as Il Giglio (which is located at 361 Greenwich Street in Manhattan), or in any other manner, any of the following items which, in combination, comprise trade dress of the restaurant Il Mulino Tribeca

that was previously located at 361 Greenwich Street in Manhattan (the “Il Mulino Tribeca Trade Dress”):

- (a) an art collection of black and white photographs arranged in a perfectly symmetrical design, covering almost one entire interior wall of the restaurant;
- (b) custom artwork commissioned for Il Mulino Tribeca’s back wall that evokes the restaurant’s Tribeca home by referring to its location (originally at Il Mulino Tribeca containing the words “below Canal St”; then apparently modified at Il Giglio to contain the words “above Warren St”);
- (c) white-washed brick and high ceilings painted matte black; and
- (d) unique, hand-blown glass pendants hanging near the entrance of the restaurant.

2. Defendants (and those additional persons identified in Paragraph 1 above) are enjoined and restrained from displaying, depicting, and/or using any of the Il Mulino Tribeca Trade Dress at the physical location of the restaurant currently known as Il Giglio and located at 361 Greenwich Street in Manhattan, in any advertising and/or marketing, on Defendants’ website located at www.ilgiglio.com, or by posting photos depicting the Il Mulino Tribeca Trade Dress on any other online pages or profiles associated with the Il Giglio restaurant.

3. Defendants shall be in compliance with this Order by no later than thirty days after the Plaintiffs give security in the amount of \$10,000.

SO ORDERED.

Dated: February 2, 2024
New York, New York



JOHN P. CRONAN
United States District Judge